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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,937	09/20/2005	Massimiliano Ubertini	P70849US0	6041

136            7590            09/12/2007  
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WASHINGTON, DC 20004

EXAMINER
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NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/549,937

Applicant(s)

UBERTINI, MASSIMILIANO

Examiner

Jimmy T. Nguyen

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 13 June 2007.  
2a) This action is **FINAL**.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-11 is/are rejected.  
7) Claim(s) 12 is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 20 September 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**1)  Notice of References Cited (PTO-892)4)  Interview Summary (PTO-413)2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

Paper No(s)/Mail Date. \_\_\_\_\_

3)  Information Disclosure Statement(s) (PTO/SB/08)5)  Notice of Informal Patent ApplicationPaper No(s)/Mail Date \_\_\_\_\_.  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on June 13, 2007 has been entered and considered and an action on the merits follows.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, line 3, there is no antecedent basis for the limitation “the auxiliary pulling wheel” in the claim. If the applicant decides to change the word “pulling” to “traction”, the Applicant is reminded to also correct the word “pulling” in lines 5, 6 and in claims 3 and 4.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoshino (US 6,655,117).**

Regarding claims 1 and 2, Hoshino discloses a strapping machine comprising: a strap extension, retrieval and pulling unit (fig. 2) having a motor (85) and a powered main wheel (27) for powered movement of a strap in opposite directions (col. 5, lines 62-65 and col. 6, lines 32-35), two selectable mechanisms with the first mechanism causing rotation of the main wheel at a first speed and rotation of an auxiliary traction wheel (33) which is pressed against the main wheel to effect pulling of the strap (col. 6, lines 35-43) and the second mechanism causing rotation in opposite directions of the main wheel (col. 5, lines 62-65 and col. 6, lines 30-34) at a second speed greater than the first speed (col. 5, lines 62-65 and col. 6, lines 30-43) to effect extension and retrieval of the strap while the auxiliary traction wheel is at a distance from the main wheel (col. 5, lines 62-65 and col. 6, lines 30-43). Hoshino discloses the two selectable mechanisms is operated in two separate speeds as set forth above, and thus Hoshino discloses a control device for controlling the speeds of the mechanisms. A lever (fig. 2) is mounted to the auxiliary traction wheel and is movable in command of lever handling means (31).

Regarding claim 10, Hoshino discloses another auxiliary wheel (29) pressed again the main wheel in a position near an outlet zone (fig. 2).

Regarding claim 11, Hoshino discloses an intermediate auxiliary wheel (29) pressed against the main wheel in an intermediate position (fig. 2).

***Allowable Subject Matter***

Claims 3-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen  
September 03, 2007

  
Jimmy T. Nguyen  
Patent Examiner  
AU 3725